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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
Against:

Case No. 2012-375

12 **PAMELA BAKER,**  
13 **aka PAMELA HILL**  
14 **407 Terry Street**  
15 **Hueytown, AL 35023**  
16 **Registered Nurse License No. 603749**

**FIRST AMENDED ACCUSATION**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this First Amended Accusation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
21 ("Board"), Department of Consumer Affairs.

22 2. On or about August 6, 2002, the Board issued Registered Nurse License No. 603749  
23 ("license") to Pamela Baker, also known as Pamela Hill ("Respondent"). On August 20, 2010,  
24 Respondent's license was inactivated. Respondent's license expired on March 31, 2012, and has  
25 not been renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
28

1 the Board may discipline any licensee, including a licensee holding a temporary or an inactive  
2 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
3 Practice Act.

4 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
5 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
6 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
7 (b), the Board may renew an expired license at any time within eight years after the expiration.

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed  
10 nurse or deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct . . .

12 . . . .

13 (4) Denial of licensure, revocation, suspension, restriction, or any other  
14 disciplinary action against a health care professional license or certificate by another  
15 state or territory of the United States, by any other government agency, or by another  
16 California health care professional licensing board. A certified copy of the decision  
17 or judgment shall be conclusive evidence of that action . . .

18 . . . .

19 (e) Making or giving any false statement or information in connection with  
20 the application for issuance of a certificate or license.

21 . . . .”

22 6. Section 1444, title 16, California Code of Regulations, provides, in pertinent part:

23 “A conviction or act shall be considered to be substantially related to the  
24 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences  
25 the present or potential unfitness of a registered nurse to practice in a manner consistent  
26 with the public health, safety, or welfare. Such convictions or acts shall include but not be  
27 limited to the following:

28 . . . .

(b) Theft, dishonesty, fraud, or deceit.

. . . .”

///

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1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **CAUSE FOR DISCIPLINE**

7 **(Disciplinary Actions by the Alabama Board of Nursing**  
8 **and Arizona State Board of Nursing)**

9 8. Respondent is subject to disciplinary action pursuant to Code section 2761,  
10 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the  
11 Alabama Board of Nursing ("Alabama Board") and the Arizona State Board of Nursing ("Arizona  
12 Board"), as follows:

13 a. On or about May 18, 1999, pursuant to the Alabama Board's Order in the disciplinary  
14 proceeding titled "In the Matter of the Complaint of: Lynn Norman, R.N., M.S.N., etc. v. Pamela  
15 A. Baker", Respondent's license to practice registered nursing in the State of Alabama was  
16 revoked. True and correct copies of the Order and the related documents are attached as **exhibit**  
17 **A** and incorporated herein by reference. The Alabama Board found that the following facts were  
18 supported by the weight of the evidence presented at the hearing on March 16, 1999:

19 1. On November 25, 1997, Respondent was reported to the Board as the result of a  
20 positive drug screen for an illegal substance.

21 2. On January 5, 1998, Respondent was admitted to Montclair Recovery and on March  
22 10, 1998, was admitted to St. Anne's for chemical dependency treatment.

23 3. On February 19, 1998, Respondent signed and submitted a statement to the Director  
24 of the Board's non-disciplinary program (ANNA), acknowledging her addiction to cocaine.

25 4. On February 19, 1998, Respondent was accepted into the ANNA program and signed  
26 an agreement which committed her to 36 months of monitoring of multiple stipulations and  
27 requirements by the Board as a result of her addiction to cocaine.

28 ///

1           5. Respondent violated the terms of her agreement by testing positive for cocaine on  
2 December 17, 1998, during a random drug screen and by failing to follow recommendations  
3 made by her treatment provider.<sup>1</sup>

4           6. Respondent admitted that she used cocaine several times during treatment.  
5 Respondent was employed as a nurse at the time. Respondent had also used crack cocaine since  
6 1990 on an intermittent basis. Respondent testified that she last used crack cocaine in mid-  
7 January 1999.

8           b. On or about March 10, 2010, pursuant to Consent for Entry of Voluntary Surrender  
9 Order No. 0902017 ("Order") in the disciplinary proceeding titled "In the Matter of Professional  
10 Nurse License No. RN137030 Issued to: Pamela Baker", Respondent voluntarily surrendered her  
11 license to practice registered nursing in the State of Arizona for a minimum of 4 years. A true  
12 and correct copy of the Order is attached as **exhibit B** and incorporated herein by reference.  
13 Respondent admitted the following findings of the Board:

14           1. On or about February 11, 2009, the Arizona Board received a complaint against  
15 Respondent's license from Banner Health alleging that while they were performing a pre-  
16 employment background search, they found Respondent had her license revoked by the Alabama  
17 Board, as set forth above. Based upon this information, the Arizona Board conducted an  
18 investigation.

19           2. On or about January 4, 2005, Respondent applied for registered nursing licensure in  
20 Arizona by endorsement. On her application, Respondent was asked to list all nursing licenses  
21 and their status. Respondent failed to disclose that she had held a license in the State of Alabama.

22           3. Also on her January 4, 2005, application, Respondent answered "no" to the question,  
23 "Have you ever been terminated from an alternative to discipline, diversion, or peer assistance  
24 program due to unsuccessful completion?" Respondent failed to disclose the actions taken  
25

26  
27 <sup>1</sup> Following Respondent's relapse, her treatment provider recommended intensive  
28 outpatient treatment. On January 2, 1999, Respondent was discharged from treatment due to her  
continued use of cocaine while enrolled in the treatment program at Montclair Recovery.

1 against her by the Alabama Board as a result of her failure to comply with the terms of their non-  
2 disciplinary ANNA program.

3 4. On or about February 27, 2009, Respondent was mailed an investigative  
4 questionnaire to her address of record regarding the complaint and revocation of her registered  
5 nurse license issued by the Alabama Board, with instructions to return it to Board staff.  
6 Respondent failed to respond to the questionnaire.

7 5. On August 20, 2009, Respondent failed to respond to a second investigative  
8 questionnaire mailed to her Arizona address of record and "temporary" address in Alabama, with  
9 instructions to return it to Board staff. On August 24, 2009, correspondence sent to Respondent's  
10 Arizona address of record was returned to the Board as undeliverable mail.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(False Statements or Information in Licensure Application)**

13 9. Respondent is subject to discipline under Code section 2761, subpart (e), in that  
14 on or about August 6, 2002, she submitted her "Application for RN Licensure by Endorsement"  
15 to the Board of Registered Nursing, which Respondent signed under penalty of perjury on or  
16 about May 20, 2002, certifying that all of the information provided in connection with this  
17 application for licensure is true, correct and complete. In fact, the information provided by  
18 Respondent's Application was not true, correct or complete in that it contained false statements or  
19 information that Respondent knew to be false, incorrect and incomplete when she signed and  
20 submitted her Application for RN Licensure by Endorsement to the Board of Registered Nursing.  
21 Respondent's acts are substantially related to the qualifications, functions or duties of a registered  
22 nurse under Section 1444, title 16, California Code of Regulations.

23 10. Item 16, subpart (f) of Respondent's Application queried, in pertinent part:  
24 "Have you ever had... (f) disciplinary proceedings against your license as an RN or any health-  
25 related license including revocation, suspension, probation, voluntary surrender, or any other  
26 proceeding? If yes, please provide a detailed written explanation, including the date and state  
27 where the discipline occurred." In response, Respondent answered "no" when she knew that she  
28

1 was disciplined by the Alabama Board of Nursing ("Alabama Board") as set forth in Paragraph  
2 8(a) above.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License No. 603749, issued to Pamela  
7 Baker, also known as Pamela Hill;

8 2. Ordering Pamela Baker, also known as Pamela Hill, to pay the Board of Registered  
9 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to  
10 Business and Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED:

March 22, 2013

14 *for* Stacie Bern  
15 LOUISE R. BAILEY, M.ED., RN  
16 Executive Officer  
17 Board of Registered Nursing  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT A**

Order of the Alabama Board and Related Documents



## ALABAMA BOARD OF NURSING

RSA PLAZA, STE 250  
770 WASHINGTON AVE  
MONTGOMERY, AL 36104

N. GENELL LEE, MSN, RN, JD  
EXECUTIVE OFFICER

MAILING ADDRESS:  
P.O. Box 303900  
MONTGOMERY, AL 36130-3900

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1-800-656-5318  
FAX (334) 242-4360  
WWW.ABN.STATE.AL.US

### BEFORE THE ALABAMA BOARD OF NURSING

STATE OF ALABAMA )

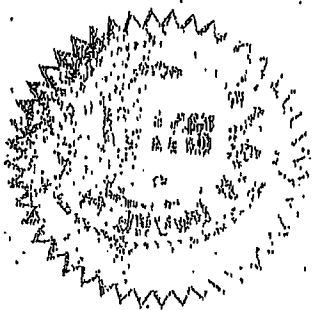
MONTGOMERY COUNTY )

I, N. GENELL LEE, RN, MSN, JD, Executive Officer of the Alabama Board of Nursing, do hereby certify that I am the legal Custodian of Records for the Alabama Board of Nursing and that the attached document in reference to PAMELA A. BAKER as it appears of record and on file in my office at Suite 250, RSA Plaza, 770 Washington Avenue in the City of Montgomery, County of Montgomery, State of Alabama, that the laws of the State require said records be kept and that the same are true and correct copies of said originals.

WITNESS my hand and seal of the Alabama Board of Nursing on this 1<sup>st</sup> day of September 2010.

ALABAMA BOARD OF NURSING

N. GENELL LEE, RN, MSN, JD  
EXECUTIVE OFFICER





BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF  
THE COMPLAINT OF:

Lynn Norman, R.N., M.S.N.  
Interim Executive Officer  
Alabama Board of Nursing  
The R.S.A. Plaza, Suite 250  
770 Washington Avenue  
Montgomery, AL 36100

vs.

Pamela A. Baker  
3812 Fifth Avenue S. 107B  
Birmingham, Alabama 35222  
Alabama License No. 1-080845

THIS CAUSE having come on a Complaint to the Alabama Board of Nursing against Pamela A. Baker, hereinafter referred to as Respondent, and evidence having been adduced thereon, the Board finds the following facts and conclusions are supported by the weight of evidence and law.

FINDINGS OF FACT

1. On September 1, 1996, RESPONDENT was licensed to practice nursing in Alabama as a Registered Nurse (RN) and was so licensed at all times relevant to matters stated herein. She originally obtained her RN license in Indiana.
2. On November 25, 1997, RESPONDENT was reported to the Board as the result of a positive drug screen for an illegal substance.
3. On January 5, 1998, RESPONDENT was admitted to Montclair Recovery

and on March 10, 1998, was admitted to St. Anne's for chemical dependency treatment.

4. On February 19, 1998, RESPONDENT signed and submitted a statement to the Director of the Board of Nursing's nondisciplinary program (ANNA) acknowledging her addiction to Cocaine.

5. On February 19, 1998, RESPONDENT was accepted into ANNA program and RESPONDENT signed an agreement which committed RESPONDENT to thirty-six (36) months monitoring of multiple stipulations and requirements by the Board. This agreement was the result of RESPONDENT's addiction to Cocaine.

6. RESPONDENT'S agreement required of RESPONDENT the following:

- a. remain free of alcohol and all unprescribed mood altering substances;
- b. notification of successful completion of treatment;
- c. participate in aftercare; submit a bimonthly report by 10th of month;
- d. if recommended, individual counseling; submit initial and then bimonthly report by the 10th of month;
- e. participate in and attend traditional 12-step recovery program; submit quarterly report by 10th of month;
- f. participate in nurse support group; submit a quarterly report by the 10th of month;
- g. contact ANNA program staff verbally once a month;
- h. cause employer to submit letter acknowledging receipt of agreement and cause employer to submit quarterly report by 10th of month; or if not employed in nursing to submit a quarterly self report by the 10th of the

month;

- i. practice under the on-site supervision of a registered nurse in good standing with the Alabama Board of Nursing.
- j. participate in a program of random drug screening and positive urine drug screen for which physician verification is not received is a violation of agreement;
- k. upon relapse, be evaluated and follow all treatment recommendations including long-term care.
- l. when requested, appear for interview;

7. RESPONDENT has violated the term of her agreement which required RESPONDENT to remain free of alcohol and all unprescribed mood-altering substances. On December 17, 1988, RESPONDENT submitted to a random drug screen which was positive for Cocaine and in violation of her agreement.

8. RESPONDENT has violated the term of her agreement which required the RESPONDENT, following a relapse, to follow recommendations made by her treatment provider. Following RESPONDENT's relapse the treatment provider recommended intensive outpatient treatment. On January 2, 1999, RESPONDENT was discharged from treatment due to continued use of Cocaine while enrolled in the treatment program at Montclair Recovery.

9. Respondent admitted that she used cocaine several times during treatment. She was employed as a nurse at the time. She has used crack cocaine since 1990 on an intermittent basis. She testified that she last used crack cocaine in mid January of 1999. Respondent is currently attends aftercare at St. Anne's. In

Birmingham, in addition to the aftercare program at Montclair, where she attends every Tuesday night. She also does volunteer work at St. Anne's.

10. RESPONDENT'S conduct constitutes grounds for disciplinary action for violation of Code of Alabama, 1975, § 34-21-25 and Alabama Board of Nursing Administrative Code, § 610-X-8-.05 (b)(e) and § 610-X-18-.10.

#### CONCLUSIONS OF LAW

11. That the Board has jurisdiction of the cause pursuant to Code of Alabama, (1975), § 34-21-25.

12. There were no objections related to notice, specificity or other jurisdictional or constitutional defects. Respondent appeared and participated in the hearing.

13. RESPONDENT'S conduct constitutes grounds for disciplinary action for violation of Code of Alabama, (1975), § 34-21-25 and Alabama Board of Nursing Administrative Code, § 610-X-8-.05 (b)(e) and § 610-X-18-.10.



ALABAMA BOARD OF NURSING  
RSA PLAZA, STE 250  
770 WASHINGTON AVE  
MONTGOMERY, AL 36130-3900  
334/242-4060 FAX 334/242-4360

MAILING ADDRESS:  
P.O. BOX 303900  
MONTGOMERY, AL 36130-3900

ORDER

THEREFORE, IT IS ORDERED AND ADJUDGED that the license of Pamela A. Baker is hereby REVOKED.

DONE AND ORDERED on this the 18<sup>th</sup> day of May, 1999.

ALABAMA BOARD OF NURSING

*Lynn Norman*

LYNN NORMAN, RN, MSN  
INTERIM EXECUTIVE OFFICER



ALABAMA BOARD OF NURSING  
RSA PLAZA, STE 250  
770 WASHINGTON AVE  
MONTGOMERY, AL 36130-3900  
334/242-4060 FAX 334/242-4360

MAILING ADDRESS:  
P.O. Box 308900  
MONTGOMERY, AL 36130-3900

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a true and correct copy of the foregoing  
ORDER on Pamela A. Baker by forwarding same by Certified U.S. Mail from  
Montgomery, Alabama, on this the 18<sup>th</sup> day of May, 1999.

*Lynn Norman*

LYNN NORMAN, RN, MSN  
INTERIM EXECUTIVE OFFICER

ALABAMA NONDISCIPLINARY NURSING APPROACH  
ALABAMA BOARD OF NURSING  
RBA Plaza, Suite 250  
770 Washington Avenue  
Montgomery, Alabama 36100

**AGREEMENT**

For Treatment, Rehabilitation, and Monitoring for Chemical Dependence

IN THE MATTER OF  
LICENSE NO. 1-080845  
ISSUED TO: PAMELA A. BAKER  
730 NEW HILL AVENUE  
BIRMINGHAM, ALABAMA 35221

CASE NUMBER: 88-0205239

Pursuant to §84-21-25, Code of Alabama, 1975 and §610-X-13 of the Alabama Board of Nursing Administrative Code, the Alabama Board of Nursing has the authority to enter into the following agreement and pursuant to §84-21-25 J(1), has the authority to enforce the following agreement.

On January 14, 1988, Professional Nurse License No. 1-080845, admitted that she is chemically dependent and in violation of Section 34-21-25(b) and on January 5, 1988, voluntarily entered an outpatient Board approved treatment program at Baptist Medical.

1. Pamela A. Baker, recognizes that I am chemically dependent. During my recovery, I agree to abide by the terms of this Agreement as established by the Alabama Board of Nursing.

1. During the period of this agreement, I agree to maintain a current Alabama Nursing license and to abide by the Statutes and Rules of the Alabama Board of Nursing.

2. I (the "Participant") agree to participate in the Alabama Nondisciplinary Nursing Approach (the "Program") for a period of three (3) years.

3. I agree to notify the Board in writing of any change of address.

4. I agree to notify the Program staff of any change in my employment status.

5. I agree to remain free of alcohol and all unprescribed mood-altering substances including over-the-counter medications containing mood-altering substances. I agree to inform my health care provider regarding my alcohol and drug problem. In the event such medication is needed, I will take responsibility to ensure that my health care provider submits, within seven (7) days, appropriate documentation to the Program staff explaining the choice of treatment and duration of prescribed mood-altering substances. I will give permission for my personal health care provider to release information to the Program staff and for the Program staff to communicate with my health care provider. I agree not to seek or receive drugs from any source other than the following: My health care provider(s) is Dr. Daley. In the event of the need for emergency treatment requiring mood-altering drugs, I agree to submit a copy of the emergency treatment record to the Program staff.

6. I agree to have my primary treatment program submit a discharge summary which verifies I successfully completed a Board approved drug/alcohol treatment program and I also agree to

Exhibit A

- a. Shall practice only under the on-site supervision of a registered nurse in good standing with the Board. The supervising RN is not required to be on the same unit or ward as Participant, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The Participant shall work only regularly assigned, identified, and predetermined units. The supervising nurse shall be primarily one (1) person. The Participant shall not be self-employed or contract for services.
- b. Shall not work for a nurse registry, travelling nurse agency, nursing float pool, home health agency, temporary employing agencies, or any other practice setting in which supervision is unavailable.
- c. Shall not seek employment as a supervising nurse.
- d. Shall not administer or have access to controlled substance medication for a minimum of the first six (6) months of this Agreement, and I further agree to this condition until such time that I receive a letter from the Program staff acknowledging I may administer controlled substances.
- e. Shall not schedule my work to interfere with attendance at continuing care activities; shall not schedule work to exceed 40 hours in one week or 80 hours in two weeks; shall not work double shifts and will agree, if I desire to request a review of this condition in six months.

16. I agree to voluntarily submit to random controlled drug screens, which may be observed; involve of blood and/or urine, as may be directed by the Program staff, and shall be submitted at a Board approved collection site or laboratory. The drug screen will be a Board-approved drug screen and may include testing of chemicals beyond the base drug screen panel. Failure to submit to a random drug screen on the designated date may result in non-compliance, discharge from the program, and subsequent reporting to the Alabama Board of Nursing. A minimum of once a month testing shall be done and may be more frequent as requested by the Program staff.

17. I agree to execute all release of information authorizations in order for the Program staff to communicate and receive the reports from the primary treatment program, the aftercare facilitator, counselor/therapist, nurse support group facilitator, health care provider, and employer.

18. I agree to report any occurrence of a relapse to the Program staff and upon the request of the program staff will agree to cease nursing practice until it is determined I am safe to practice. I also agree to an evaluation by my original treatment program or the appropriate treatment provider and agree to follow recommendations made by the treatment program including long-term care.

19. I agree to appear in person for an interview upon request from the Program staff and given reasonable notice.

20. I agree to notify the Program staff of pending relocation out of the state of Alabama, and agree to notify the Board of Nursing in the state, in which relocation to practice nursing is considered, that I am a participant in the Alabama nondisciplinary program, ANNA, for chemically dependent nurses. I agree to apply to another state's alternative nondisciplinary program and if accepted, successfully complete said program. I agree if the state of relocation has no alternative program I will place my Alabama license on



probationary status in order to fulfill the conditions of this Agreement. I understand my obligations under the ANNA Agreement will terminate only upon official notification from the ANNA program director which will in no event occur until the successful completion of the contract in the relocated state. I agree to submit to the ANNA program staff a copy of the contract from the state where I have relocated.

21. I agree to notify the program staff if I am arrested by any law enforcement agency or admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder.

22. I understand any expenses incurred in the Program are my responsibility.

23. I agree to abide by all federal, state, or local laws and rules of the Alabama Board of Nursing.

24. I understand that failure to comply with the terms of this Agreement will result in the initiation of disciplinary proceedings based on violations of the Nurse Practice Act, which could include, but not be limited to, misconduct which may have occurred prior to the execution of this Agreement. I further understand that Board of Nursing Disciplinary Actions are reportable to the National Council of State Boards of Nursing's Data Bank.

EXECUTED on this the 19 day of Feb, 1988.

Pamela A. Baker  
PAMELA A. BAKER

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this the 19 day of Feb, 1988.

ALABAMA BOARD OF NURSING

BY:

Judi Orume  
JUDI ORUME  
EXECUTIVE OFFICER

STATE OF ALABAMA BOARD OF NURSING

MONTGOMERY, ALABAMA

IN THE MATTER OF:

LYNN NORMAN, R.N., M.S.N.,  
Interim Executive Officer,  
Alabama Board of Nursing,

Complainant,

v.

PAMELA A. BAKER,  
License No.: 1-080845,

Respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
OF HEARING OFFICER

THIS CAUSE having come before me on the Amended Complaint of the Alabama Board of Nursing ("Board") against the above-named RESPONDENT and the evidence having been taken concerning said Amended Complaint at a hearing held on March 16, 1999, this Hearing Officer has reached the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On September 1, 1996, RESPONDENT was licensed to practice nursing in Alabama as a Registered Nurse (RN) and was so licensed at all times relevant to matters stated herein. She originally obtained her RN license in Indiana.

2. On November 25, 1997, RESPONDENT was reported to the Board as the result of a positive drug screen for an illegal substance.

3. On January 5, 1998, RESPONDENT was admitted to Montclair Recovery and on March 10, 1998, was admitted to St. Anne's for chemical dependency treatment.

4. On February 19, 1998, RESPONDENT signed and submitted a statement to the Director of the Board of Nursing's nondisciplinary program (ANNA) acknowledging her addiction to Cocaine.

5. On February 19, 1998, RESPONDENT was accepted into ANNA program and RESPONDENT signed an agreement which committed RESPONDENT to thirty-six (36) months monitoring of multiple stipulations and requirements by the Board. This agreement was the result of RESPONDENT's addiction to Cocaine.

6. RESPONDENT'S agreement required of RESPONDENT the following:

- a. remain free of alcohol and all unprescribed mood altering substances;
- b. notification of successful completion of treatment;
- c. participate in aftercare; submit a bi-monthly report by 10th of month;
- d. if recommended, individual counseling; submit initial and then bi-monthly report by the 10th of month;
- e. participate in and attend traditional 12-step recovery program; submit quarterly report by 10th of month;
- f. participate in nurse support group; submit a quarterly report by the 10th of month;
- g. contact ANNA program staff verbally once a month;

h. cause employer to submit letter acknowledging receipt of agreement and cause employer to submit quarterly report by 10th of month; or if not employed in nursing to submit a quarterly self report by the 10th of the month;

i. practice under the on-site supervision of a registered nurse in good standing with the Alabama Board of Nursing.

j. participate in a program of random drug screening and positive urine drug screen for which physician verification is not received is a violation of agreement;

k. upon relapse, be evaluated and follow all treatment recommendations including long-term care.

l. when requested, appear for interview;

7. RESPONDENT has violated the term of her agreement which required RESPONDENT to remain free of alcohol and all unprescribed mood-altering substances. On December 17, 1996, RESPONDENT submitted to a random drug screen which was positive for Cocaine and in violation of her agreement.

8. RESPONDENT has violated the term of her agreement which required the RESPONDENT, following a relapse, to follow recommendations made by her treatment provider. Following RESPONDENT's relapse the treatment provider recommended intensive outpatient treatment. On January 2, 1999, RESPONDENT was discharged from treatment due to continued use of Cocaine while enrolled in the treatment program at Montclair Recovery.

9. Respondent admitted that she used cocaine several times during treatment. She was employed as a nurse at the time. She has used crack cocaine since 1990 on an intermittent basis. She testified that she last used crack cocaine in mid

January of 1999. Respondent is currently attends aftercare at St. Annes in Birmingham, in addition to the aftercare program at Montclair, where she attends every Tuesday night. She also does volunteer work at St. Annes.

10. RESPONDENT'S conduct constitutes grounds for disciplinary action for violation of Code of Alabama, 1975, § 34-21-25 and Alabama Board of Nursing Administrative Code, § 610-X-8-.05 (c)(e) and § 610-X-13-.10.

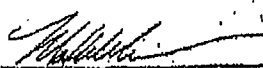
#### CONCLUSIONS OF LAW

11. That the Board has jurisdiction of the cause pursuant to Code of Alabama, (1975), § 34-21-25.

12. There were no objections related to notice, specificity or other jurisdictional or constitutional defects. Respondent appeared and participated in the hearing.


13. RESPONDENT'S conduct constitutes grounds for disciplinary action for violation of Code of Alabama, (1975), § 34-21-25 and Alabama Board of Nursing Administrative Code, § 610-X-8-.05 (c)(e) and § 610-X-13-.10.

DONE this 22<sup>nd</sup> day of April, 1999.

  
Mark D. Wilkerson  
Hearing Officer

RECOMMENDATION:

I recommend that Respondent's license be revoked,

  
Mark D. Wilkerson  
Hearing Officer

IN THE MATTER OF:  
PAMELA A. BAKER  
LICENSE NO: 1-080545

BEFORE THE ALABAMA  
BOARD OF NURSING

STATEMENT OF CHARGES AND NOTICE OF HEARING

To: Pamela A. Baker  
8812 Fifth Avenue S, 107B  
Birmingham, Alabama 35222

Pursuant to the provisions of Code of Alabama 1975, § 84-21-25 and Alabama Board of Nursing Administrative Code, § 810-X-8-10, you are hereby notified and ordered to appear before the Alabama Board of Nursing (hereinafter referred to as the "Board") on March 16, 1999, at 1:00 p.m., at the Alabama Board of Nursing Office, RSA Plaza, Suite 250, 770 Washington Avenue, Montgomery, Alabama 36180, or at another location designated by the Board, and from time to time thereafter as may be required by the Board then and there to show cause, if any you have, why your license to practice nursing in this State should not be revoked, in that it is alleged that you are guilty of the following, to wit:

I.  
On September 1, 1999, RESPONDENT was licensed to practice nursing in Alabama as a Registered Nurse (RN) and was so licensed at all times relevant to matters stated herein.

II.  
On November 25, 1997, RESPONDENT was reported to the Board as the result of a positive drug screen for an illegal substance.

III.  
On January 5, 1998, RESPONDENT was admitted to Montclair Recovery and on March 10, 1998, was admitted to St. Anne's for chemical dependency treatment.

IV.  
On February 19, 1998, RESPONDENT signed and submitted a statement to the Director of the ANNA program acknowledging her addiction to Cocaine.

BU's Ex 2

V.

On February 19, 1998, RESPONDENT was accepted into the Board of Nursing's nondisciplinary program (ANNA) and RESPONDENT signed an agreement which committed RESPONDENT to thirty-six (36) months monitoring of multiple stipulations and requirements by the Board (a copy of the Board's agreement attached hereto and incorporated into this Statement of Charges as Exhibit A). This agreement was the result of RESPONDENT's addiction to Cocaine.

VI.

The RESPONDENT'S agreement required of RESPONDENT the following:

- a. remain free of alcohol and all unprescribed mood altering substances;
- b. notification of successful completion of treatment;
- c. participate in aftercare; submit a bimonthly report by 10th of month;
- d. if recommended, individual counseling; submit initial and then bimonthly report by the 10th of month;
- e. participate in and attend traditional 12-step recovery program; submit quarterly report by 10th of month;
- f. participate in nurse support group; submit a quarterly report by the 10th of month;
- g. contact ANNA program staff verbally once a month;
- h. cause employer to submit letter acknowledging receipt of agreement and cause employer to submit quarterly report by 10th of month; or if not employed in nursing to submit a quarterly self report by the 10th of the month;
- i. practice under the on-site supervision of a registered nurse in good standing with the Alabama Board of Nursing;
- j. participate in a program of random drug screening and positive urine drug screen for which physician verification is not received is a violation of agreement;
- k. upon relapse, be evaluated and follow all treatment recommendations including long-term care;
- l. when requested, appear for interview;

VII.

The RESPONDENT has violated the term of her agreement which required the RESPONDENT to remain free of alcohol and all unprescribed mood-altering substances. On December 17, 1998, RESPONDENT submitted to a random drug screen which was positive for Cocaine and in violation of her agreement.

VIII.

The RESPONDENT has violated the term of her agreement which required the RESPONDENT, following a relapse, to follow recommendations made by her treatment provider. Following RESPONDENT's relapse the treatment provider recommended intensive outpatient treatment. On January 2, 1999, RESPONDENT was discharged from treatment due to continued use of Cocaine while



enrolled in the treatment program at Montclair Recovery.

IX.

The RESPONDENT'S conduct constitutes grounds for disciplinary action for violation of Code of Alabama, 1975, § 64-21-25 and Alabama Board of Nursing Administrative Code, § 610-X-B-05 (a)(6) and § 610-X-19-10.

At the aforesaid time and place and from time to time thereafter as may be directed by the Board, you may be represented by an attorney. If you so desire, cross-examine all witnesses who testify against you and present such evidence in your own behalf in response to these charges as you consider necessary and appropriate.

Dated this the 17<sup>th</sup> day of February, 1988.

ALABAMA BOARD OF NURSING

*Lynn Norman*

By: LYNN NORMAN  
INTERIM EXECUTIVE OFFICER

RECEIVED  
FEB 22 1988  
10:00 AM  
1000

**EXHIBIT B**

Consent for Entry of Voluntary Surrender Order No. 0902017, Arizona State Board of Nursing

Janice K. Brewer  
Governor



Joey Ridenour  
Executive Director

*Arizona State Board of Nursing*

4747 North 7<sup>th</sup> Street, Suite 200  
Phoenix, AZ 85014-3655  
Phone (602) 771-7800 Fax (602) 771-7888  
E-Mail: [arizona@azbn.gov](mailto:arizona@azbn.gov)  
Home Page: <http://www.azbn.gov>

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on PAMELA BAKER. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85014-3655 on June 14, 2011.

SEAL

*Joey Ridenour R.N., M.N., F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

ARIZONA STATE BOARD OF NURSING  
4747 North 7th Street, Suite 200  
Phoenix, Arizona 85014-3655  
602-771-7850

IN THE MATTER OF PROFESSIONAL  
NURSE LICENSE NO.: RN137030  
ISSUED TO:

PAMELA BAKER,  
RESPONDENT

CONSENT FOR ENTRY OF  
VOLUNTARY SURRENDER  
ORDER NO. 0902017

A complaint charging Pamela Baker ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §32-1663 (D)(5), Respondent voluntarily surrenders her license for a minimum of four years.

Based on the evidence before it, the Board makes the following Findings of Fact,  
Conclusions of Law:

FINDINGS OF FACT

1. Pamela Baker ("Respondent") holds Board issued professional nurse license no. RN137030.

2. The Board has authority pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664 to impose disciplinary sanctions against the holders of nursing licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1667.

3. On or about February 11, 2009, the Board received a complaint against Respondent's license from Banner Health alleging that while they were performing a pre-employment background search, they found Respondent had her license revoked by the Alabama Board of Nursing in 2000. Based upon this information, the Board conducted an investigation.

1       3.     On or about May 18, 1999, Respondent's registered nurse license no. 1-080845  
2     was revoked by the Alabama Board of Nursing due to chemical dependency and failure to  
3     comply with the Board's requirements.

4       4.     On or about January 4, 2005, Respondent applied for registered nursing licensure  
5     in Arizona by endorsement. On her application, Respondent was asked to list all nursing  
6     licenses and their status. Respondent failed to disclose that she had held a license in the State  
7     of Alabama.

8       5.     Also on her January 4, 2005, application for registered nursing licensure by  
9     endorsement Respondent answered "no" to the question, "Have you ever been terminated from  
10    an alternative to discipline, diversion, or peer assistance program due to unsuccessful  
11    completion?" Respondent failed to disclose the actions taken against her by the Alabama State  
12    Board of Nursing as a result of her failure to comply with the terms of their nondisciplinary  
13    ANNA program.

14      6.     On or about February 27, 2009, Respondent was mailed an investigative  
15    questionnaire to her address of record regarding the complaint and revocation of registered  
16    nurse license no. 1-080845 issued by the State of Alabama Board of Nursing, with instructions  
17    to return it to Board staff. Respondent failed to respond to the questionnaire.

18      7.     On August 20, 2009, Respondent failed to respond to a second investigative  
19    questionnaire mailed to her Arizona address of record and "temporary" address in Alabama,  
20    with instructions to return it to Board staff. On August 24, 2009, correspondence sent to  
21    Respondent's Arizona address of record was returned to the Board as undeliverable mail.

#### 22                   CONCLUSIONS OF LAW

23       Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and  
24    personal jurisdiction in this matter.

25       After notice and opportunity for hearing, the Board may revoke, suspend or take other  
26    disciplinary action against Respondent's license to practice as a registered nurse in the State of

1 Arizona concerning Respondent's actions as described herein pursuant to A.R.S. § 32-1664(N).  
2 This Consent Order is in lieu of an administrative hearing.

3 If this matter proceeded to an administrative hearing, the Board would introduce  
4 evidence it contends would show Respondent's conduct as described herein constitutes  
5 violations of A.R.S. § 32-1663(D) as defined in A.R.S. § 32-1601(16), (a), (d), (f), (h) and (j)  
6 (effective May 2002), and A.A.C. R4-19-403 (1), (25) (a), and (31).

7 In lieu of a formal hearing on these issues, Respondent admits the Board's Findings of  
8 Fact, Conclusions of Law, and agrees to issuance of the attached Order.

9 Respondent understands that she has an opportunity to request a hearing and declines to  
10 do so. Respondent agrees to issuance of the attached Order and waives all rights to a hearing,  
11 rehearing, appeal, or judicial review relating to this Order.

12 Respondent understands that all investigative materials prepared or received by the  
13 Board concerning these violations and all notices and pleadings relating thereto may be  
14 retained in the Board's file concerning this matter.

15 Respondent understands that the admissions in the Findings of Fact are conclusive  
16 evidence of a violation of the Nurse Practice Act and may be used for purposes of determining  
17 sanctions in any future disciplinary matter.

18 Respondent understands the right to consult legal counsel prior to entering into the  
19 Consent Agreement and such consultation has either been obtained or is waived.

20 Respondent understands that this voluntary surrender is effective upon its acceptance by  
21 the Executive Director or the Board and by Respondent as evidenced by the respective  
22 signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as  
23 an original signature. Once signed by Respondent, the agreement cannot be withdrawn without  
24 the Executive Director or the Board's approval or by stipulation between Respondent and the  
25 Executive Director or the Board. The effective date of this Order is the date the Voluntary  
26 Surrender is signed by the Executive Director or the Board and by Respondent. If the

1 Voluntary Surrender is signed on a different date, the later date is the effective date.

2 Respondent understands that Voluntary Surrender constitutes disciplinary action.  
3 Respondent also understands that she may not reapply for re-issuance during the period of  
4 Voluntary Surrender.

5 Respondent agrees that she may apply for re-issuance after the period of voluntary  
6 surrender under the following conditions, and must comply with current law at the time of their  
7 application for re-issuance:

8 The application for re-issuance must be in writing and shall contain therein or have  
9 attached thereto substantial evidence that the basis for the voluntary surrender has been  
10 removed and that the re-issuance of the license does not constitute a threat to the public's  
11 health, safety and welfare. The Board may require physical, psychological, or psychiatric  
12 evaluations, reports and affidavits regarding Respondent as it deems necessary. These  
13 conditions shall be met before the application for re-issuance is considered.

14  
15 Pamela Baker  
16 Pamela Baker, Respondent

17 Dated: 3/10/10

18 ARIZONA STATE BOARD OF NURSING  
19 Joey Ridenour R.N., M.N., F.A.A.N.

20 Joey Ridenour, R.N., M.N., F.A.A.N.  
21 Executive Director

22 Dated: March 10, 2010  
23 W. Smith  
24  
25  
26

ORDER

Pursuant to A.R.S. § 32-1663 (D)(5) the Board hereby accepts the Voluntary Surrender of registered nurse license number RN137030, issued to Pamela Baker. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multistate license.

IT IS FURTHER ORDERED that Respondent may apply for re-issuance of said license after a period of four years.

SEAL

ARIZONA STATE BOARD OF NURSING

*Joey Ridenour R.N.M. Galt*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: March 10, 2010

*W.D. Galt*

COPY mailed this 10<sup>th</sup> day of March, 2010 by First Class Mail to:

Pamela Baker  
407 Terry Street  
Hueytown, AL 35023

Seth T. Hargraves  
Assistant Attorney General  
1275 W Washington Ave  
Phoenix AZ 85007

By: